SINGLE BENCH (2)

(4)

CF 1002

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)**

**W.P.(C) NO. 5797 /2006**

**PETITIONER** : Bhagwanta Bharge
S/o. Gurvaru Bharge
Aged about 32 years
R/o. Sukhapali, District
Mahasamund (C.G.).

P.R. No. 5606/06
Presented by D.N. Yadav
Dated 16/10/06

**VERSUS**

**RESPONDENTS** :1. The State of Chhattisgarh
Through : Secretary
Department of Panchayat
D.K.S. Bhawan, Raipur (C.G.)

2. The Collector
District Mahasamund
(C.G.)

3. Chief Executive Officer,
Janpad Panchayat Basna
District Mahasamund (C.G.)

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**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA**

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** W.P.No.5797/2006 **सन् 200**

(17)

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | 27-10-2006<br>Shri Parag Kotecha, counsel for the petitioner.<br>Shri N.K. Agrawal, Dy. Adv. General for the State.<br>The instant petition under Article 227 of the Constitution of India has been preferred by the petitioner who is a member of Janpad Panchayat, Basna, District Mahasamund and also belongs to the category of Scheduled Caste, against the constitution of the General Administrative Committee of Janpad Panchayat, Basna on the ground that the General Administrative Committee for selection of Shikshakarmi Grade III does not consist of a member from the Scheduled Caste category and it is in violation of Schedule II under Rule 2 (c) and Rule 5 of the Shikshakarmi (Recruitment and Conditions of Services) Rules, 1997. It is further argued that the petitioner had made a representation of Annexure P-2 with the respondents against non-inclusion in the above Committee of the Scheduled Caste member, however, no decision as such has been taken by the respondents on his representation.<br>On the other hand, learned counsel for the State drawing attention of this Court towards Entry No. 5 in Column 6 of Schedule II submits that at least one member of General Administrative Committee must belong to either Scheduled Caste or Scheduled Tribe or O.B.C. He further submits that it is not in dispute that in the said Committee, members of Scheduled Tribe and O.B.C. are included as members and the petitioner has no statutory right to file the instant petition for the purpose of inclusion of the members belonging to the Scheduled Caste category in the said committee. | |

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(18)

मामला क्रमांक W.P.No. 5797/06 ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | I have heard the learned counsel for the parties.<br>Taking into consideration the provisions contained in Scheduled ii of the Rules of 1997, this Court is of the opinion that the petitioner has no statutory right to claim that the General Administrative Committee for the purpose of selection of Shikshakarmi Grade iii should have one member of the Scheduled Caste. The petition is devoid of substances and is dismissed.<br>**Sd/-**<br>**Dhirendra Mishra**<br>**Judge** | |

P/-

P.T.O.

31/10/06 31/11/06